

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT HARRY GOODMAN JR.,

Defendant.

**4:18CR3092**

**ORDER**

Defendant has moved to compel the government to produce the following:

- 1) Copies of Police Service Dog Team certifications;
- 2) Copies of Police Service Dog Team Evaluator certifications;
- 3) An active list of those Police Service Dog Team Evaluators and Police Service Dog Team Judges who have successfully completed the required training for that position;
- 4) A copy of the council-approved Police Service Dog Standards;
- 5) Sample forms used by the Police Service Dog Team Judge and Evaluators in their duties; and
- 6) Any other documents or protocol or standards used to evaluate and certify the Police Service Dog Team in this case (e.g., Deputy Henkel and Sasha).

(Filing No. 70). In response, the government states it has provided all such information in its possession, explaining:

Goodman has been provided with all the information in the Government's possession concerning the training of Deputy Henkel and Sasha. All of the reports, etc., contained within Goodman's Index, (filing 72), were provided to him by the Government. In addition, the Government provided Goodman with a copy of the transcript of a hearing on a Motion to Suppress held before this Court in the case of United States of America v. Rahman M. Nabavi and Isabel M. Mallar, 4:16CR3039, held on October 19, 2016. That hearing also concerned sniff of a vehicle performed by Deputy Henkel and Sasha. It includes testimony from Deputy Henkel about his training with Sasha and the testing required for certification. That

transcript also includes testimony from Dale Fellin of the Nebraska State Patrol who is a dog handler, instructor and judge for the state standards in Nebraska. Fellin testified about the annual certification process for police service dogs in Nebraska, including the type of testing and grading involved for both dogs and handlers.

(Filing No. 77, at CM/ECF p. 2). As to the additional information Defendant requests, the government explains “The Nebraska State Patrol certifies Police Service Dogs and their handlers. The United States is not in possession of this information.” (Filing No. 77, at CM/ECF p. 4).

In response, Defendant has now moved for leave to serve a subpoena on the Lancaster County Sheriff for production of:

- 1) All written protocols relating to the drug dogs and/or drug dog teams used/employed by the Lancaster County Sheriff including, but not limited to, Standard Operating Procedures, manuals, guidelines, etc., in effect between January 1, 2018 to present.
- 2) All documents that may be relevant to determining whether the drug dogs and/or drug dog teams used/employed by the Lancaster County Sheriff are reliable, in existence between January 1, 2018 to present.

(Filing No. 81). The government does not oppose this motion.

Accordingly,

IT IS ORDERED:

- 1) Defendant’s motion to compel, (Filing No. 70), is granted.
- 2) Defendant’s motion to serve a subpoena, (Filing No. 81), is granted.

May 15, 2019.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge